

## **REMARKS**

### **A. Introduction**

Claims 1-7 were pending and under consideration in the application.

In the Office Action of December 27, 2007 claim 7 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1-7 were rejected under 35 U.S.C. §102(b), as being anticipated by Barrett, et al., U.S. 5,301,036 (hereinafter, "Barrett").

Applicants are hereby canceling claim 6 and amending claims 1, 3-5 and 7. Claim 7 is being amended to obviate the 35 U.S.C. §101 rejection. Claims 1, 3-5 and 7 are being amended for clarity, to correct informalities and to recite that a print image is created by rotating a captured image data by a rotation angle, where the rotation angle is selectable within a range of one to ninety degrees. Support for the amendment is found, at least, at paragraphs 0040-0041. (Paragraph numbers refer to the application as published as US 2004/0252318.) Accordingly, no new matter is being added.

### **B. Rejections under 35 U.S.C. 101**

Claim 7 was rejected as being directed to non-statutory subject matter.

Claim 7 has been amended to obviate this rejection. In that regard, claim 7 has been amended to recite a computer-readable storage medium storing a program.

### **C. Rejections under 35 U.S.C. 102**

Claims 1-5 and 6 were rejected as being anticipated by Barrett.

Barrett discloses a printing system and rotation/page placement techniques wherein a received digital image is rotated at 90 degree increments in order to provide a desired output

orientation and placement. Barrett's disclosure relates to reproduction of printed matter compatible with standard print media where the desired output may have various form factors (e.g., book-form signatures, calendars, etc.). Barrett, abstract, col. 1 lines 34-40, and figure 11.

Barrett fails to teach or suggest rotating a captured image data by a rotation angle, where the rotation angle is selectable within a range of one to ninety degrees. Indeed, the methods disclosed in Barrett (e.g., at col. 5, lines 8-42), enable rotation of images only by increments of ninety degrees.

A finding that a claim is anticipated requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because Barrett fails to disclose at least the feature of the claims discussed above, claims 1-5 and 7, are patentable over Barrett.

#### **D. Conclusion**


In view of the foregoing, it is submitted that claims 1-5 and 7 are allowable and that the application is in condition for allowance. Early notice to that effect is respectfully requested.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

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